

## MITIGATED NEGATIVE DECLARATION

April 10, 2006

Project Name: Otay Valley Regional Park (OVRP) Trails Plan

Project Number(s): (Permit #\_\_\_\_\_)

### 1. Project Location

The OVRP Trails Project is located in the southern portion of San Diego County; 4 miles north of the United States/Mexico International Boundary (see Figure 1) at the end of the document). The project area is bounded on the west by Saturn Boulevard (19<sup>th</sup> Street) and by Interstate 805 (I-805) on the east. On the north and south the project area is bounded by existing urban development. The OVRP trail system is located within Sections 21, 22, 23, and 24 of Township 18 South, Range 2 West of the USGS 7.5' Imperial Beach, California Quadrangle.

### 2. Project Description

The proposed project is the construction of the Otay Valley Regional Park (OVRP) trail system and staging areas between Saturn Boulevard (19<sup>th</sup> Street) and Interstate 805 (I-805). Construction of trails system and staging areas will occur as grant funding becomes available. Figure 2 illustrates the location of the proposed trails and staging areas, and boundary between the cities of San Diego and Chula Vista. The proposed project implements a portion of the *Otay Valley Regional Park Concept Plan* adopted by the City of San Diego on April 17, 2001, the City of Chula Vista on May 15, 2001, and the County of San Diego on May 23, 2001.

The approximately 8.3-mile long (43,760± feet) trail system would be constructed on the north and south sides of the Otay River with connecting trails across the river. The trails would accommodate hikers, equestrians and bicyclists. However, equestrians would be permitted on the trails east of Beyer Way only. Signs will be located at the trailheads and in the seven staging areas notifying trail users that the trails are located in, and adjacent to, the City of San Diego Multiple Habitat Planning Area (MHPA) and City of Chula Vista Preserve Management Area (PMA). The trails will be surfaced with native soil, decomposed granite, or crushed rock. The trail widths were kept at a minimum while accommodating hikers, bikers and equestrian safely.

The proposed trail system consists of the 22 trail segments listed in Table 1. In some locations connecting trails do not exist and will be constructed to link existing trail segments. New trails account for approximately 8% of the proposed project. These new trails include:

- a. An 850-foot±-foot long section of trail segment 11 that extends from segment 1F to Finney School. This trail will be developed as a 4-foot wide Type "4" trail.
- b. A 670±-foot long portion of segment 6A along the northern side of the Otay River, beginning immediately west of Beyer Boulevard and ending at an existing service road immediately south of Hanson Aggregates.
- c. A 1,450±-foot long trail (segment 8) along both sides of Beyer Boulevard on the south side of the river.

The proposed project has been divided into 2 phases to separate the portions of the project that would be constructed by the City of San Diego, and the remaining portions of the project, some of which will be constructed by the County of San Diego and some of which by the City of San Diego. Construction and associated mitigation for each phase is contingent upon grant funds and does not imply that construction or mitigation would occur in any particular order. Phase 1 consists of the portion of trail segment 1C south of Fenton Pond, segments 5 and 1D, and staging area #4 located west of Beyer Boulevard. Phase 2 includes all of the remaining project components.

Approximately 51% of the trails would be constructed as Type "1" trails in accordance with the *Otay Valley Regional Park Trail Guidelines* (October 2003). Trail types 1, 2 3, and 4 are equivalent to trail types A, B, C and D in the *Otay Valley Regional Park Trail Guidelines* (October 2003). The trails are designed for maximum usage and would have an 8-foot tread width with a horizontal vegetation clearance of up to 2 feet beyond the edge of the trail tread. According to the trail guidelines, the purpose of the clear area is to act as a buffer between the trail and the adjacent vegetation. This buffer is a design consideration to reduce potential direct and indirect impacts to vegetation.

Due to the sensitivity of the vegetation along the trail system, approximately 46% of the trail system will be constructed as Type "2" trails with a horizontal clearance of ½-foot on either side of the trail. The clearance of ½-foot throughout the most sensitive vegetation areas may be used for fencing to avoid the trampling of sensitive species. Barriers such as peeler log fencing and signs would be placed along the sections of trail adjacent to sensitive habitat. The signage wording would state "Environmentally sensitive area. Please stay on trail."

The hillside trail to the Finney Overlook (part of segment 11) would be constructed as a Type "3" trail with a 4-foot tread width. Type "3" trails would be limited to foot traffic only. This 850±-foot (0.16-mile) long trail segment traverses the slope on the south side of the valley below Finney School. This segment is approximately 1.9% of the entire trail system.

**Table 1**  
**Trail Segments**

Segment	Trail Type				Length (feet)	From	To	Existing Conditions
	1 <sup>a</sup>	2 <sup>b</sup>	3 <sup>c</sup>	4 <sup>d</sup>				
1A	X				2,400	Saturn Blvd.	I-5	Existing trail
1B		X <sup>e</sup>			1,340	I-5	Hollister Street	Existing trail
1C	X <sup>f</sup>	X			5,840	Hollister Street	Beyer Boulevard	Existing trail
1D		X			3,520	Beyer Boulevard	Beyer Way	Existing trail
1E	X	X			5,300	Beyer Way	Junction Segment 1F & 12	Existing trail/dirt service road (in parts)
1E1				X	1,300	Trail 1E	Trail 1E	Existing trail
1F	X	X			5,640	Junction Segments 1E & 12	Rancho Drive	Existing trail/dirt service road (in parts)
2	X				380	Segment 1B	Staging Area 2	Existing trail
3 <sup>g</sup>		X			280	Segment 1B	Staging Area 2	Existing trail
4	X				380	Segment 1C	Hollister St. Park & Ride	Existing trail
5	X				620	Segment 6A	Fenton Pond Overlook	Existing trail
6A		X			2,320	Segment 1C (Fenton Pond)	Beyer Boulevard	Existing trail
6B	X	X			4,320	Beyer Boulevard	Montgomery High School	Existing trail and new trail (just east of Beyer Blvd.
7	X				300	Segment 6A	Staging Area 3	Existing trail
8		X			1,450	Segment 1C (Beyer Blvd. West)	Segment 1D (Beyer Blvd. East)	New trail on Beyer Blvd. side slopes
9		X			180	Segment 1D	Segment 6B	Existing trail
10		X			1,000	Segment 1E	Staging Area 5	Existing trail
11	X		X		1,150	Segment 1F	Finney School Overlook	Existing trail below and new trail on slope to Finney School
12	X				740	Junction Segment 1E & 1F	Junction Segments 14A & 14B	Existing trail/dirt service road (in parts)
13	X				620	Segment 14B	Staging Area 7	Existing trail
14A	X				3,000	Junction Segments 12 & 14B	Staging Area 6	Existing trail
14B	X				1,430	Junction Segments 12 & 14A	Segment 1F	Existing trail
TOTAL					43,310			

## Notes:

a – 8-foot tread width with a 2-foot wide clear area on each side of the tread.

b – 8-foot tread width with 0.5-foot wide clear area on each side of the tread.

c – 4-foot tread width

d – Variable tread width of 2-4 feet that conforms to existing trail.

e – Includes “at grade” crossing of Hollister Avenue.

f - Includes "at grade" crossing of Beyer Boulevard.

q - Located outside of OVRP boundary.

Trail segment 1E1 adjacent to Le May Pond (east of Beyer Way) would be classified as a Type “4” trail and retained at its current width of between 2-4 feet to avoid impacts to Orcutt’s bird’s-beak.

#### Retaining wall

Approximately 1,450 feet of a concrete block retaining wall would be constructed along Beyer Boulevard south of the Otay River Bridge crossing (trail segment 8). The concrete block design simulates adobe and a color will be selected to blend with the natural landscape colors of the Otay River valley and bluffs. The wall would be less than 6 feet high.

Drainage systems for the retaining wall will consist of a vegetation lined “V” ditch approximately 1-foot wide installed at the top of the walls, and down drain structures (e.g. 4-inch plastic pipe) installed behind the retaining wall. The down drain structures will convey runoff from low spots in the “V” ditch to the bottom of the wall and under the trail where the runoff will discharge into the natural drainage system.

#### Roadway crossings

Under crossings of roadways will be provided at I-5, Beyer Boulevard on the north and south sides of the river, and at Beyer Way. At-grade crossings will be provided at Hollister Street and at Beyer Boulevard east of Staging Area #4. The Hollister Avenue at-grade crossing north of the river will consist of stop bars for traffic and constantly flashing yellow beacons atop standard pedestrian crossing warning signs (Type W11-2). Hollister Avenue is a 2-lane local roadway in this area with a posted speed limit of 40 mph and an Average Daily Traffic (ADT) volume of 7,500.

The Beyer Boulevard at-grade crossing east of Staging Area #4 will consist of a crossing that includes a median break and pedestrian storage area that guides trail users across Beyer Boulevard. Constantly flashing yellow beacons atop standard pedestrian crossing warning signs (Type W11-2) and cross walk striping will be installed. Beyer Boulevard is a 4-lane major arterial near this crossing with a posted speed limit of 40 mph and an ADT volume of 16,000.

#### Staging (parking) areas #1-#3 and #5-#7

Seven local staging (parking) areas are proposed for the OVRP (see Table 2). During the construction period, these staging areas would be used for equipment staging and stockpiling of materials. The ultimate use of all staging areas is as parking areas for trail users. These six staging areas will include 10 parking spaces, including one handicapped accessible space, timber wheel stops, and bike racks. These staging areas range from approximately 0.22-acre (9,500 sq.ft.) to 0.36-acre (15,000 sq.ft.). The surface of the staging areas will be decomposed granite. An ADA compliant walkway between the handicapped parking space and the trailhead will be constructed. Entry gates and monument signs will be installed at each staging area. The staging areas would be open between the hours of dawn and dusk. The staging areas are designed to provide vehicular parking for the use

of hikers/bikers desiring to use the trail system. Equestrian loading and unloading facilities are not provided, and the staging areas are not intended for use by equestrians.

Other facilities included at each staging area include informational trailhead kiosks, one picnic table on a 14 sq.ft. concrete pad, trash receptacle, and recyclable receptacle. A 7-foot high wooden screening fence shall be installed at each staging area for a future port-a-john. No lighting will be provided at staging areas 1-3 and 5-7. The staging areas will be surrounded by peeler log fencing and a planting area that will be hydroseeded. Native trees (California sycamore) will be planted within the planting strip.

<b>Table 2 Staging Areas</b>				
<b>Staging Area</b>	<b>Type</b>	<b>Location</b>	<b>Jurisdiction</b>	<b>Access</b>
1	Local	Saturn Blvd.	San Diego	Saturn Blvd.
2	Local	Hollister Street	San Diego	Hollister Street
3	Local	27 <sup>th</sup> Street	Chula Vista	27 <sup>th</sup> Street
4	Local	Fenton Pond (Beyer Blvd.)	San Diego	Beyer Blvd.
5	Local	Del Monte Avenue	San Diego	Del Monte Avenue
6	Local	Mace Street	Chula Vista	Mace Street
7	Local	Rios Avenue	San Diego	Rios Avenue

#### Staging (parking) area #4/Ranger Station

Staging area #4, located on the west side of Beyer Boulevard south of the Otay River, could be used for construction equipment staging and stockpiling of materials during the construction period. The ultimate use of the site includes a ranger station and parking. Staging area #4 would be slightly larger than the staging areas described above and would provide 12 parking spaces, including one handicapped space, a rest room building, a ranger station building, an interpretive panel, 2 sets of trash and recycling bins, and 4 picnic tables. The height of both buildings would be one-story. The ranger station would include an office, storage, and an employee restroom. The exterior would be stucco with a concrete shake roof. The parking area surface would be decomposed granite and surrounded by a peeler log fence. Parking lot lighting would be located near the parking spaces consistent with the City of San Diego's MSCP Subarea plan. The parking lot would be lighted for security purposes between sunset and 11:00 PM.

Drainage improvements at the site include recontouring the existing storm drain outlet area to improve drainage, extending an existing earthen ditch to divert water into an existing channel, a catch basin in the center of the site, and a widening of the existing drainage channel along the west side of the staging area.

The existing trees in the southwest portion of the site and along Beyer Boulevard would be retained. The interior of the site would be planted with native trees, shrubs, and ground cover.

Sewer and water services for the Ranger Station and restroom will be provided via connection to existing facilities within Beyer Boulevard. Underground electrical power service would be extended to the site from the intersection of Beyer Boulevard and Palm Avenue south of the site. Extending the underground service would require a trench adjacent to the existing sidewalk along Beyer Boulevard.

#### Wetland crossings

Twelve drainage crossings will be modified, enhanced or created as components of the proposed project, including 4 puncheon crossings (#2, #9, #12, #13), 1 stand-alone box culvert (#8), 5 raised trail causeways with culverts (#3, #4, #6, #7, #11), 1 raised trail causeway (#10), and one bridge (#14) (see Table 3 and Figure 2). Crossings #1 and #5 would not be modified by the proposed project. All crossings with the exception of the Poggi Creek Bridge and the stand-alone box culvert east of Beyer Way (#8) are currently used as informal crossing without the streambed and stream bank protection the proposed crossing would provide.

Crossings #2, #9, #12, and #13 are proposed as puncheon crossings. The puncheon crossings consist of mud sills and planks that are secured to the riverbank at trail level. Two stringers between the mud sills located on each bank would support wooden decking. The puncheons would not exceed the width of the trail. The puncheons can be removed by Park Rangers on a seasonal basis during periods of high water flows.

Crossing #8 would be a 2- x 12-foot reinforced concrete double box culvert. Crossing #10 would be constructed as a 425-foot long raised trail.

Crossings #3, #4, #6, #7, and #11 would be constructed as raised trail causeways with culverts. This type of crossing is utilized in seasonally or permanently wet areas and allows low velocity water flow to pass from one side of the trail to the other. It consists of rip-rap deposited on the bottom, finer gravel as it is built up, and a trail surface placed on the top of the causeway.

The placement and elevation of the culverts will allow the larger storm events to overflow the crossings without affecting the path of the existing stream or river. Consequently, the larger storm events will not cause diversion of the water course, only overtopping of the trail itself. Rip-rap will be utilized for the construction of the raised trail causeways with culverts. A "No Rise Certificate" stating that the installation of crossing #11 will not cause a significant rise in the 100-year flood elevation will be obtained from the City of Chula Vista.

Crossing #14 is proposed as a bridge over Poggi Creek. The proposed prefabricated steel truss bridge would be approximately 13 feet wide and 60 feet

long. The bridge would have timber decking and tubular steel sides. Footings at each end of the bridge would be located outside of delineated wetlands and the 100-floodway, but would be within the 100-year floodplain. Due to the potential for scouring in this area, riprap would be placed along the sides of the channel for 35 feet in the area of the bridge. The bridge has been designed so that it would not result in a rise of the 100-year flood elevation and the lowest bridge support beam would be above the high water level.

#### Revegetation of construction areas

Small cut and fill slopes resulting from the construction of trail segments 1C, 4, 6a, 6b, and 11, and unvegetated areas adjacent to all staging areas will be hydroseeded with seed mixes compatible with existing vegetation in the surrounding area. Tables 4 and 5 list the seed mixes to be used in upland and riparian areas.

#### Conceptual Wetland Mitigation Plan

A *Conceptual Wetland Mitigation Plan* has been prepared by Merkel & Associates to address all habitat-based mitigation required for the development of the proposed OVRP trail proposed project. The primary goal of conceptual mitigation plan is to create, restore, and enhance upland and wetland habitat that would persist in perpetuity and be self-supporting to mitigate impacts to below significant. Implementation of this plan would increase native riparian and upland habitat acreage within the Otay River Valley and improve the overall function and values of the existing wetlands. The *Conceptual Wetland Mitigation Plan* provides the conceptual plans necessary to mitigate the impacts to both upland and wetland resources incurred by the proposed project. Site preparation methods, planting designs, revegetation materials, as well as maintenance and monitoring specifications are included in this mitigation plan and are designed to follow the guidelines of the *Draft OVRP Habitat Restoration Plan* (February 2006).

### Table 3 Wetland Crossings

Table 3 Wetland Crossings											
Crossing #	Trail Segment	Location	Jurisdiction	Raised Trail Causeway With Culvert	Box Culvert	Puncheon (8' wide)	Bridge	Length (ft)	Max. Width (ft)	Culver Size	Notes
1	1A	River crossing West of I-5	SD	--	--	--	--	--	--	--	No improvements required for existing box culvert.
2	1B	Tributary crossing East of I-5	SD	--	--	X	--	10'	4'	--	Construct puncheon crossing.
3	1C	River Crossing East of Hollister St.	SD	X	X	--	--	85'	16'	2'x10'	Construct 85-foot long raised trial section by elevating existing ground approximately 2 feet and 2' x 12' box culvert.
4	6	West of Fenton Pond	SD	X		--	--	150'	16	18"	Construct 150' long causeway with 18" corrugated metal culverts.
5	6A	Tributary crossing West of Beyer Blvd	CV	--	--	--	--	--	--	--	No improvements to existing 27 <sup>th</sup> St. drainage crossing. Install pedestrian railing on outside of structure.
6	6B	Tributary crossing East of Beyer Blvd.	CV	X	X		--	100'	16'	2'X12'	Construct 100-foot long raised trail causeway by elevating existing ground approximately 2 feet and construct culvert.
7	6B	River crossing West of Beyer Way	SD	X	--	--	--	550'	16'	12"	Construct 550+-foot long raised trail causeway by elevating existing ground level approximately 3 feet. Install 12-inch culverts every 50 feet.
8	10	River crossing East of Beyer Way	SD	--	X	--		100'	20'	2'x12'	Construct box culvert.
9	14A	Tributary crossing South of Mace Street	SD	--	--	X	--	20'	4'	--	Construct puncheon crossing.
10	1E	Tributary crossing South of Palm Ave. & North of Finney School	SD	X	--	--	--	425'	28'	--	Construct 425+-foot long raised trail by elevating existing ground level approximately 4 feet.
11	12	River crossing North of Finney School	CV	X	X	--	--	150'	14'	2'x12'	Construct 150+-foot long raised trail by elevating existing ground level approximately 18 inches. Install double box culvert.
12	1F	River crossing South of Rancho Drive	SD	--	--	X	--	10'	4'	--	Construct puncheon crossing.
13	1F	River crossing South of Rancho Drive	SD	--	--	X	--	20'	4'	--	Construct puncheon crossing.
14	1F	Poggi Creek crossing	SD	--	--	--	X	60'	13'	--	Pile supported foundation required. Design to 8,000 lb. vehicle load. Pedestrian railing required.
Notes: SD = San Diego CV = Chula Vista											



<b>Table 4</b>			
<b>Upland and Diegan Coastal Sage Scrub Hydroseed Mix<sup>1</sup></b>			
<b>Species</b>	<b>Unit Type</b>	<b>Lbs/Acre</b>	<b>PLS<sup>2</sup></b>
<i>Artemisia Californica</i> California sagebrush	Seed	2	15/50
<i>Simmondsia Chinesis</i> Jojoba	Seed	2	90/70
<i>Erigonum Fasciculatum</i> Flat-top buckwheat	Seed	2	10/65
<i>Lotus Scoparius Scoparius</i> Coastal deerweed	Seed	4	90/60
<i>Nassella lepida</i> Foothill needlegrass	Seed	1	60/60
<i>Viguiera Lacinata</i> San Diego county viguiera	Seed	1	60/60
<b>Total lbs per acre</b>		<b>17</b>	
Notes: 1 – Use at staging areas #1, #2, #3, #4, #5, #6, and #7, and on trail segments 1C, 6A, and 11 slopes. 2 - PLS (% Pure live seed) = % germinate X % purity or hydroseeded where appropriate, Source: Kimley-Horn & Associates, Inc. <i>Landscape Plans</i> , February 8, 2006.			

<b>Table 5</b>			
<b>Southern Willow Scrub Hydroseed Mix<sup>1</sup></b>			
<b>Species</b>	<b>Unit Type</b>	<b>Lbs/Acre</b>	<b>PLS<sup>2</sup></b>
<i>Salix exigua</i> Narrow-leaved willow	Seed	2.5	15/50
<i>Salix lasolepsi</i> Arroyo willow	Seed	5.5	90/70
<i>Salix gooddingii</i> Goodding's black willow	Seed	1	10/65
<i>Platanus racemosa</i> California sycamore	Seed	0.5	90/60
<i>Salix lucida</i> Lance-leaf willow	Seed	3	60/60
<b>Total lbs per acre</b>		<b>12.5</b>	
Notes: 1 – Use on trail segments 4 and 6B slopes. 2 - PLS (% Pure live seed) = % germinate X % purity or hydroseeded where appropriate, Source: Kimley-Horn & Associates, Inc. <i>Landscape Plans</i> , February 8, 2006.			

Western Otay Valley Regional Park Natural Resource Management Plan (WOVRP NRMP)

The City of San Diego is responsible for the maintenance and management of OVRP. Maintenance shall be based on the requirements of the draft Western OVRP Natural Resource Management Plan and any additional maintenance notes on the conceptual revegetation plan (e.g. removal of trash, litter, and manure from the trails and staging [parking] areas). If any maintenance activity required for the *Otay Valley Regional Park (OVRP) Trails Plan* would adversely impact natural and/or cultural resources, mitigation will be implemented outlined in the Mitigation Options and Guidelines chapter (Chapter 8) of the NRMP. Maintenance will include the following:

- a. Trail maintenance will be initiated by Park Rangers and coordinated with biologists and/or archaeologists, as necessary. Trails will be regularly evaluated for soil erosion and impacts to sensitive species/habitat.
- b. All applicable permits will be obtained prior to conducting any maintenance activity.
- c. Maintenance activity sites will be surveyed by a qualified biologist to determine if biological resources are present. If impacts to sensitive resources would result, the maintenance area will be flagged to aid maintenance personnel in keeping the impact confined to the work area.
- d. An evaluation of archaeological maps and site checks for archaeological resources will be conducted by a qualified cultural resource specialist. If the potential for impacts exist, the site will be flagged to aid maintenance personnel in keeping the impact confined to the work area.
- e. All maintenance activities shall implement City of San Diego Storm Water Pollution Prevention best management practices.
- f. All trails, fences, and gates will be maintained in good repair and replaced as needed.
- g. Poison oak, stinging nettle, and other native human nuisance plant species should be controlled only around highly-used public areas, such as restrooms, trails, parking lots, historic points of interest, and interpretive displays. In other areas they should be allowed to remain as part of the natural system.
- h. Equestrian trails should be cleaned of litter, manure, and pet feces frequently using manual methods by City staff or other designated groups.
- i. Brush management activities within the WOVRP should be done in accordance with the MSCP Subarea Plan, City of San Diego Municipal Code 142.0412 Brush Management and Section 7.4.4 of the City of Chula Vista's MSCP Subarea Plan and is subject to the provisions of the City of Chula Vista's HLIT Ordinance.
- j. All thinning or brush removal must occur outside the breeding/nesting season. Removal should be done by selective pruning, leaving various amounts of native plant understory. Prior to removal, a qualified biologist should survey the area for sensitive species and flag any areas to be avoided.
- k. Trash receptacles will be covered at all times and shall be emptied on a regular basis.

**3. Project Sponsor's Name and Address**

County of San Diego Department of Parks & Recreation  
5201 Ruffin Road, Suite P  
San Diego, CA 92123

**4. California Environmental Quality Act Mitigated Negative Declaration Findings:**

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

**5. Required Mitigation Measures:**

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

**A. Air Quality**

**Mitigation Measure AQ-1.** Prior to the issuance of the Notice to Proceed, the Assistant Deputy Director (ADD) environmental designee of the City of San Diego Land Development Review Division and the Senior Planner of the Mitigation Monitoring and Coordination (MMC) Program shall ensure the following air quality measure is shown on applicable grading and building plans as details, notes or as otherwise appropriate.

1. During construction, dirt and debris shall be washed down or swept up as soon as practicable to reduce the resuspension of particulate matter caused by vehicle movement over such material. Approach routes to the construction area shall be cleaned of construction-related dirt and debris as needed.
2. In accordance with California Vehicle Code Section 23114, vehicles transporting loads of aggregate materials must cover/tarp the material, or if not covered, the material must be no nearer than six inches from the upper edge of the container area where the material contacts the sides, front, and back of the cargo container area, and the load shall not extend, at its peak, above any part of the upper edge of the cargo container area. This measure shall also apply to the transport of any materials associated with demolition, grading, or building activities that can potentially become airborne.
3. Construction equipment shall be maintained in proper working order and shall be periodically tuned in order to minimize air pollutant emissions; use of low pollutant-emitting construction equipment, including electrical-powered equipment, shall be used as practical.
4. All unpaved construction areas shall be sprinkled with water or other acceptable dust control agents during dust-generating activities as necessary

to minimize dust emissions to the maximum extent practicable. Additional watering or dust control agents shall be applied during dry weather or on windy days until dust emissions are not visible.

5. In addition, the following air quality mitigation requirements shall also be shown on all applicable grading, and building plans as details, notes, or as otherwise appropriate, and shall not be deviated from unless approved in advance in writing by the City of San Diego MMC if it is a city project or the County's Environmental Review Coordinator if it is a county project:

Use low pollutant-emitting construction equipment.

- Use electrical construction equipment as practical.
- Use catalytic reduction for gasoline-powered equipment.
- Water the construction area as needed to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- Pave permanent roads as quickly as possible to minimize dust.
- Use electricity from power poles instead of temporary generators during building, if available.
- Minimize tracking on to public streets.
- Project to comply with the Clean Water Act and implement Best Management Practices.

## B. Biology

### **Sensitive Flora Mitigation:**

**Mitigation Measure BR-1.** Mitigation of San Diego marsh elder and southwestern spiny rush will occur as part of the wetland mitigation program described in the mitigation measures BR-10, BR-11a, and BR-11b.

**Mitigation Measure BR-2.** Mitigation of the San Diego barrel cactus will occur by locating the Finney School trail (segment 11) a minimum of 10 feet away from concentrations of this species to protect them from edge effects and unauthorized collection. A peeler log fence would be placed along the trail to prevent hikers from walking off the trail into the area containing barrel cactus. Where individual plants cannot be avoided, they will be transplanted by a qualified biologist to an area containing appropriate vegetation and orientation.

**Mitigation Measure BR-3.** Prior to the issuance of any grading permit, the City of San Diego Representatives (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the grading plans.

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Representatives.

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those riparian areas that would be

subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. If least Bell's vireo are present, the following conditions must be met:

- a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied riparian habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist, and
- b. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Representatives at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
- c. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 15).

\* Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Representatives, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the survey, the qualified biologist shall submit substantial evidence to the City Representatives and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
  - a. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

If construction is limited to the non-breeding season, impacts to the least Bell's vireo would be avoided. This measure is applicable (and necessary) if construction were to occur during the breeding season.

**Mitigation Measure BR-4.** Prior to the issuance of any grading permit the City Representatives (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) and Preserve Management Area (PMA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the grading plans.

No clearing, grubbing, grading, or other construction activities shall occur between February 15 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City of San Diego or County of San Diego Representatives.

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey any Diegan coastal sage scrub within the MHPA or PMA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. If gnatcatchers are present, the following conditions must be met:
  - a. During the coastal California gnatcatcher breeding season, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist, and
  - b. During the coastal California gnatcatcher breeding season, no construction activities shall occur within any portion of the site where construction would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement or

continuation of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

- c. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, adequate noise attenuation is achieved or until the end of the breeding season (August 15).

\* Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Representatives, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If coastal California gnatcatchers are not detected during the survey, the qualified biologist shall submit substantial evidence to the City Representatives and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary during the coastal California gnatcatcher breeding season as follows:
  - a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Impacts to the coastal California gnatcatchers will be avoided by constructing the project outside of the breeding season. This measure is applicable (and necessary) if construction were to occur during the breeding season.

**Mitigation Measure BR-5.** Trail construction activities involving new crossings of the Otay River west of Beyer Way shall occur outside of the breeding period of

the light-footed clapper rail (March 1 to August 1). Impacts to the light-footed clapper rail will be avoided by constructing the project outside of the breeding season. This measure is applicable (and necessary) if for some reason construction would need to occur during the breeding season. Prohibiting construction during the breeding season would avoid impacts to the light-footed clapper rail.

**Mitigation Measure BR-6.** If removal of any trees within the development area is proposed during the raptor breeding season (February 1 to September 15) the biologist shall ensure that no raptors are nesting in such trees. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would occur within 500 feet of any identified nest(s) until the young fledge. Impacts to raptors will be avoided by constructing the project outside of the breeding season. This measure is applicable (and necessary) if construction were to occur during the breeding season.

**Mitigation Measure BR-7a.** A qualified biologist shall develop a cowbird trapping program to include a threshold for management action and shall periodically survey the proposed project area to determine if the cowbird population increases. This would be done annually for the first 3-5 years that the trail system is open for equestrian use. After the first 5 years, the cities of San Diego and Chula Vista will review the data and prepare a new plan, if an increase in cowbird population is determined. If an increase occurs, an appropriate cowbird trapping management plan shall be implemented. If there is no increase in cowbird population, monitoring would continue only if there is an increase in equestrian use over time. Responsibilities for cowbird monitoring and trapping are as identified in the OVRP JEPA. Annual monitoring reports should be submitted to the County of San Diego, the City of San Diego Development Services Division Mitigation and Monitoring Coordination Section, and the City of Chula Vista Environmental Review Coordinator.

**Mitigation Measure BR-7b.** The City of San Diego is responsible for the maintenance and management of OVRP. Maintenance shall be based on the requirements of the draft Western OVRP Natural Resource Management Plan and any additional maintenance notes on the conceptual revegetation plan (e.g. removal of trash, litter, and manure from the trails and staging (parking) areas).

**Mitigation Measure BR-7c.** The *MSCP Subarea Plans* for the cities of San Diego and Chula Vista requires the cities to engage in a coordinated effort to produce a long-term, invasive non-native plant removal program. The on-going maintenance program for the OVRP trail system is the responsibility of the City of San Diego. The program will include the removal of manure prior to, and during, the rainy season to eliminate the introduction of non-native plant species from equestrian sources. In addition, signage will be placed at staging areas and trailheads east of Beyer Way with the following wording, "Please feed your horses weed free feed for at least 48 hours prior to entering the park." In



addition, in some areas interpretative materials would be posted explaining that feeding horses weed free feed minimizes the likelihood of spreading weeds in the park.

**Mitigation Measure BR-7d.** Enforcement actions shall be taken to prevent and remove illegal intrusions, off-road vehicle activity, and illegal plant harvesting in the City of Chula Vista Preserve on an annual basis, as well as on a complaint basis.

**Mitigation Measures BR-8.** Phase 1 mitigation for Diegan coastal sage scrub mitigation consists of restoring 0.44 acres of a 2.4-acre ruderal habitat located immediately west of staging area 4 (see Table 10 and Attachment B, Figure 2).

Phase 2 mitigation for Diegan coastal sage scrub consists of restoring an additional 1.09 acres of the ruderal habitat located immediately west of staging area 4 (see Table 11). In addition, the Phase 2 mitigation includes closing and restoring 4 existing trails (see Table 11). Restoration of the 4 existing trails would reclaim 0.24-acre of habitat. Trail A is located in the City of Chula Vista PMA and Trails B, C, and D are located in the City of San Diego MHPA.

**Mitigation Measure BR-9:** No impacts to non-native grassland occur in Phase I. Therefore, no mitigation is necessary.

Phase 2 mitigation for non-native grassland will be mitigated by restoration of 0.63-acre of Diegan coastal sage scrub within the mitigation site adjacent to staging area #4. The reason for the up-tiering of mitigation is there are no continuous areas of non-native grassland within the project area that would increase foraging habitat for raptors. The areas that exist are mainly small city lots or areas that once contained Diegan coastal sage scrub but have been highly disturbed through human use. For these reasons, it is appropriate to mitigate for non-native grassland loss by replacing it out of kind with Diegan coastal sage scrub.

**Mitigation Measure BR-10 (Phase 1 Wetland Creation and Enhancement).**

The Phase 1 wetland impacts will be mitigated by the creation of 0.07-acre of wetlands, and the enhancement of an additional 0.07-acre of wetlands. The west side of an existing 3- to 12-foot wide drainage will be widened and planted with cismontane alkali marsh (0.06-acre), mule fat scrub (0.06-acre), and southern willow scrub (0.02-acre). The wetland creation and enhancement will improve the water quality of existing urban runoff prior to entering the Otay River through prolonged water retention within the created wetland area.

A *Final Wetland Mitigation Plan* will be prepared and approved by the City of San Diego that identifies the (1) financial and implementation responsibilities, (2) site preparation and grading specifications, (3) irrigation requirements, (4) planting specifications, (5) maintenance requirements, (6) monitoring and success

assessments, (7) remediation and contingency measures, and (8) requirement for a Final Monitoring and Notice of Completion Report. The *Final Wetland Mitigation Plan* will be based on the *Draft Otay Valley Regional Park Trail Project Conceptual Wetland Mitigation Plan* (April 10, 2006) that has been prepared in conjunction with the *Otay Valley Regional Park Trails Project Biological Impact Analysis* (March 2006).

**Mitigation Measure BR-11a (Phase 2 Wetlands Creation).** The Phase 2 wetland impacts will be partially mitigated by the creation of 1.94 acres of wetlands (including 0.09 acres of cismontane alkali marsh, 0.93-acre of mule fat scrub, and 0.92-acre of southern willow scrub) (see Tables 11 and 13). As shown in Table 11, an excess 1.13 acres of wetland would be created (including 0.06-acre of cismontane alkali marsh, 0.47-acre of mule fat scrub, and 0.60-acre of southern willow scrub) as mitigation for future projects park projects within the OVRP. The proposed wetland creation site is located south of Rancho Drive in the City of San Diego MHPA (see Attachment B, Figure 2).

**Mitigation Measure BR-11b (Phase 2 Wetlands Enhancement).** The Phase 2 wetland impacts will be partially mitigated by the enhancement of 1.22 acres of disturbed wetland just south of Mace Street. The enhancement site is a 0.98-acre area, plus 6 smaller areas that make up the remainder of the 1.22 acres (see Tables 11 and 13). Most of the enhancement area is located within the City of San Diego, and the remainder of the area is located within the City of Chula Vista. The stand of giant reed, located in the wetland enhancement area shall be removed according to the guidelines identified in Section 5.6 of the *Draft OVRP Habitat Restoration Plan* (February 2006). This plan describes 2 methods for removal that are suitable for this site including: (1) Type I giant reed control for smaller infestation in which no revegetation is planned, and (2) Type II giant reed control for larger infestation requiring subsequent revegetation.

Trails A through E shown on Figure 2 in Attachment B will be closed and planted or allowed to revegetate through natural recruitment. The habitat surrounding these trails consists of ruderal habitat that is compacted from foot traffic and is devoid of vegetation. Trail closures would utilize a variety of revegetation methods depending on the width of the trail and the surrounding vegetation. These methods include: (1) scarifying the soil to a depth of at least 3 inches where the soil has been compacted, (2) allowing the area to self generate, and (3) active revegetation of Trail E. The methods planned for each trail closure are listed in Table 14.

Table 14 Trail Closures, Enhanced Acreage, Method of Enhancement			
Trail Closure	Habitat Type	Enhancement Acreage	Method of Enhancement
Trail A	Wetland	0.03	Scarify soil if required, and allow vegetation to self generate.
	Upland	0.02	Scarify soil if required, and allow to self generate assisted by coastal sage scrub (CSS) seed mix.
Trail B	Upland	0.07	CSS plantings, enhanced with CSS seed mix.
Trail C	Upland	0.14	CSS plantings, enhanced with CSS seed mix.
Trail D	Wetland	0.01	Scarify soil if required, and allow vegetation to self generate.
	Upland	0.01	Scarify soil if required, and allow vegetation to self generate assisted by CSS seed mix.
Trail E	Wetland	0.05	Riparian plantings, enhanced with riparian seed mix.
Source: Merkel & Associates, <i>Otay Valley Regional Park Trails Project Conceptual Mitigation Plan</i> , April 10, 2006, Table 5.			

A *Final Wetland Mitigation Plan* will be prepared and approved by the County of San Diego that identifies the (1) financial and implementation responsibilities, (2) site preparation and grading specifications, (3) irrigation requirements, (4) planting specifications, (5) maintenance requirements, (6) monitoring and success assessments, (7) remediation and contingency measures, and (8) requirement for a Final Monitoring and Notice of Completion Report. The *Final Wetland Mitigation Plan* will be based on the *Draft Otay Valley Regional Park Trail Project Conceptual Wetland Mitigation Plan* (April 10, 2006) that has been prepared in conjunction with the *Otay Valley Regional Park Trails Project Biological Impact Analysis* (April 10, 2006).

**Mitigation Measure BR-12.** Mitigation of the wetland impacts resulting from the wetland crossings is included Mitigation Measures BR-10, BR-11a, and BR-11b described above.

### C. Cultural Resources

Subsurface components of five cultural resources sites, and a former railroad line, could be impacted by grading associated with the construction of the trails and staging areas. Sites SDI-4639, SDI-7455/SDI-11963, SDI-11965 and SDI-11966 are located in the City of San Diego. Staging area 7 is located near site SDI-4639, trail segment 1A and staging area 1 are located near site SDI-7455/SDI-11963, trail segment 5 is located near site SDI-11965, and trail segment 1D is located near site SDI-11966. A railroad line is shown on the 1904 USGS map, runs along Boundary Avenue in the City of San Diego. Trail segment 1A appears to follow some portion of the alignment of this railroad spur. Trail segments 6A and 7, and staging area 3 are located near Site SDI-11962, which is within the City of Chula Vista.

**Mitigation Measure C-1.**

**Prior to Preconstruction (Precon) Meeting**

1. Land Development Review (LDR) Plan Check
  - a. Prior to the first Precon Meeting, the Environmental Review manager (ERM) of LDR shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to the Assistant Deputy Director (ADD)
  - a. Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG) has been retained to implement the monitoring program. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)
  - a. At least thirty days prior to the Precon Meeting a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.
  - b. MMC will provide Plan Check with a copy of both the first and second letter.
4. Records Search Prior to Precon Meeting
  - a. At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

**Precon Meeting**

1. Monitor Shall Attend Precon Meetings
  - a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Project Contractor and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Project Contractor and/or Grading Contractor.
  - b. If the Monitor is not to attend the Precon Meeting, the RE or BI, if appropriate will schedule a focused Precon Meeting for MMC, Environmental Analysis Section (EAS) staff as appropriate, Monitors, Project Contractor and appropriate Contractor's representatives to meet

- and review the job on-site prior to the start of any work that requires monitoring.
2. Units of Measure and Cost of Curation for Capital Improvements Program (CIP) or Other Public Projects
    - a. Units of measure and cost of curation will be discussed and resolved at the Precon meeting prior to start of any work that requires monitoring.
  3. Identify Areas to be Monitored
    - a. At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.
  4. When Monitoring Will Occur
    - a. Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

### **During Construction**

1. Monitor Shall be Present During Grading/Excavation
  - a. The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI, as appropriate, will forward copies to MMC.
2. Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances
  - a. Monitoring of trenches is required for the mainline, laterals, services and all other appurtenances that impact native soils one foot deeper than existing as detailed on the plans or in the contract documents identified by drawing number or plan file number. *It is the Project Contractor's responsibility to keep the monitors up-to-date with current plans.*
3. Discoveries
  - a. Discovery Process
    - (1) In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI, as appropriate, shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.
  - (1) Determination of Significance
    - (1) The significance of the discovered resources shall be determined by the PI in consultation with the LDR and the Native American Community, if applicable. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared, approved by DSD and carried out to

mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

4. Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

a. Notification

- (1) Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
- (2) The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

b. Isolate discovery site

- (1) Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
- (2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
- (3) If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

c. If Human Remains are determined to be Native American

- (1) The Medical Examiner shall notify the Native American Heritage Commission (NAHC).
- (2) The NAHC will contact the PI within 24 or sooner, after Medical Examiner has completed coordination
- (3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide information.
- (4) The PI will coordinate with MLD for additional consultation.
- (5) Disposition of Native American Human Remains will be determined between MLD and the PI, if:
  - (a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR,
  - (b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94(k) by the NAHC fails to provide measures acceptable to the landowner.

d. If Human Remains are **NOT** Native American

- (1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- (2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

- (3) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.
5. Night Work
  - a. If night work is included in the contract
    - (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
    - (2) The following procedures shall be followed.
      - (a) No Discoveries  
In the event that nothing was found during night work, the PI will record the information on the Site Visit Record Form.
      - (b) Minor Discoveries  
All Minor Discoveries will be processed and documented using the existing procedures under During Construction; 3.c., for Small Historic Discoveries, with the exception in During Construction; 3.c.(1)(a), that the PI will contact MMC by 9 A.M. the following morning.
      - (c) Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures under During Construction; 3.a. & b, will be followed, with the exception that in During Construction; 3.a., the PI will contact MMC by 8 A.M. the following morning to report and discuss the findings.
  - b. If night work becomes necessary during the course of construction
    - (1) The Project Contractor shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
    - (2) The RE, or BI, as appropriate, shall notify MMC immediately.
  - c. All other procedures described above shall apply, as appropriate.
6. Notification of Completion
  - a. The Archaeologist shall notify MMC and there or the BI, as appropriate, in writing at the end date of monitoring.

## **Post Construction**

1. Handling and Curation of Artifacts and Letter of Acceptance
  - a. The Archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  - b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.

2. Final Results reports (Monitoring and Research Design and Data Recovery Program)
  - a. Within three months following the completion of monitoring two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Archaeological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.
  - b. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the Final Results Report.
  - c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.
3. Recording Sites with State of California Department of Park and Recreation
  - a. The Archaeologist shall be responsible for recording (on the appropriate State of California Department of park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal information Center with the Final Results Report.



**6. Public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

<b><u>Permit Type/Action</u></b>	<b><u>Agency</u></b>
Adoption of Mitigated Negative Declaration	County of San Diego Board of Supervisors
Site Development Permit	City of San Diego
No Rise Certificate	City of Chula Vista
Grading Permit	City of Chula Vista & San Diego
Clearing and Grubbing Permit	City of Chula Vista
401 Permit - Water Quality Certification	Regional Water Quality Control Board (RWQCB)
Nationwide Permit	US Army Corps of Engineers (ACOE)
1602 – Streambed Alteration Agreement	CA Department of Fish and Game (CDFG)
Encroachment Permit	California Department of Transportation (Caltrans)
Coastal Development Permit	California Coastal Commission
Encroachment Permit	Metropolitan Transit District

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and the above California Environmental Quality Act findings made by the:

\_\_\_\_\_  
Name, Title

On

\_\_\_\_\_  
Date

Insert Figure 1

Insert Figure 2